

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALFREDO VEGA,

Plaintiff,

v.

LUCAS WEBER and LINDSEY WALKER,

Defendants.

ORDER

17-cv-116-jdp

Plaintiff Alfredo Vega, appearing pro se, is an inmate at Green Bay Correctional Institution. Vega alleges that defendant prison officials conducted a disciplinary hearing without many of the procedural safeguards afforded him by prison regulations, which he says violated his right to due process.

Vega previously filed a motion for default judgment, Dkt. 18, stating that defendants did not file an answer within the time set by the court. But I denied Vega's motion because defendants promptly filed a motion to dismiss instead of an answer. *See* Dkt. 49. Vega has filed a motion he titles as one asking for reconsideration of that decision. Dkt. 50. He does not provide any persuasive reason for me to reconsider my decision regarding default judgment, so I will deny his motion. Vega also asks that defendants be ordered to file their answer within 14 days of my decision denying their motion to dismiss, but defendants have already filed their answer within 14 days, *see* Dkt. 51, so that issue is moot.

Finally, Vega contends that in their motion to dismiss, defendants essentially agreed with his version of the facts, conceding that they violated Wisconsin regulations by depriving him of advance notice of the hearing, an advocate to assist him, and the ability to call witnesses. He asks whether he "would be able to use the defendants answer to complaint, to support [his]

claim in his response to defendants summary judgment motion due on January 7, 2019.” Dkt. 50, at 2. Under Federal Rule of Civil Procedure 8(b)(6), any allegation he makes in his complaint that defendants do not deny in their answer is deemed admitted. So at the summary judgment stage, he is free to cite any portion of defendants’ answer admitting that his allegations are true.

ORDER

IT IS ORDERED that plaintiff Alfredo Vega’s motion for reconsideration of the court’s October 30, 2018 order, Dkt. 50, is DENIED.

Entered December 3, 2018.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge